

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69949 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- KASHICHAK District- Nawada

Raj Kumar Saw @ Raj Kumar, Son of Late Devnandan Prasad @ Devendra
Saw, Resident of Chandi More, Harnaut, P.S. Harnaut, District - Nalanda.

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-07-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kashichak (Nawada) P.S. Case No. 101 of 2021 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act 2016.

The prosecution case is that on receipt of information that a truck was coming to the State of Bihar from Jharkhand and it was carrying illicit liquor, the said truck was intercepted and the co-accused driver and the cleaner were apprehended. Total 1574.25 liters of India made foreign liquor was recovered from the said truck. The co-accused Santosh Kumar named this



petitioner as well as one Banti Yadav as the owner of the seized liquor. One Niro Singh has also been named on whose saying the driver brought the truck from the border of Jharkhand.

Learned counsel for the petitioner submits that the petitioner has got no concern with the alleged recovery of liquor. The petitioner is not the owner of the truck and he has been made accused in this case on the confessional statement of the driver and the cleaner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is having criminal antecedents and was remanded in this case from other case on 23.10.2021. The charge sheet has been submitted. The co-accused Niro Singh has been granted bail by a Coordinate Bench of this Court vide order dated 16.02.2022 passed in Cr. Misc. No.48368 of 2021.

Learned APP opposes the prayer for bail submitting that the seized liquor belongs to the petitioner.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and except for confessional statement of co-accused, nothing substantial has come against the petitioner and further considering the fact that charge sheet has been



submitted and he is in custody since 23.10.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with Kashichak P.S. Case No. 101 of 2021 subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

